

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JUSTIN KEITH BRYANT,	§	
	§	
Petitioner,	§	
	§	
v.	§	Case No. 6:21-cv-487-JDK-KNM
	§	
SHERIFF, SMITH COUNTY,	§	
	§	
Respondent.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Justin Keith Bryant, a former inmate of the Smith County Jail, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 pro se. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Respondent moved to dismiss the petition for lack of jurisdiction and failure to exhaust state remedies. Docket No. 27. Petitioner did not respond to the motion. On October 6, 2022, Judge Mitchell issued a Report recommending that Respondent's motion be granted and the petition be dismissed without prejudice. Docket No. 28. A copy of this Report was sent to Petitioner, who received it on October 12, 2022, and he has not filed a written objection. Docket No. 29.


This Court reviews the findings and conclusions of the Magistrate Judge de novo if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Petitioner did not object in the prescribed period and has not sought additional time to do so. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.>").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 28) as the findings of this Court. Respondent's motion to dismiss (Docket No. 27) is **GRANTED**, and Petitioner's petition for habeas corpus is hereby **DISMISSED** without prejudice. The Court **DENIES** a certificate of appealability. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **2nd** day of **December, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE